

Decision No. 57619

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DELMAR E. KING, also known as D. E.)
KING and FRANCES G. KING, also known)
as FRANCES GIRDNER KING, husband and)
wife, for an Order Authorizing the)
transfer of the property and assets)
described in their certificate of)
public convenience and necessity to)
RED TOP RICE GROWERS, a non-profit)
cooperative corporation; and)

Application No. 40428

In the Matter of the Application of)
DELMAR E. KING, also known as D. E.)
KING and FRANCES G. KING, also known)
as FRANCES GIRDNER KING, husband and)
wife, to discontinue their operations)
as a public utility.)

OPINION AND ORDER

By this application Delmar E. King and Frances G. King seek authority to discontinue public utility warehouse operations and to sell their assets and property described in Exhibit No. 2 of the application to Red Top Rice Growers.

Delmar E. King and Frances G. King operate a public utility warehouse at Biggs, Butte County, for the storage of bulk rice, grain and grain products. The application shows that Red Top Rice Growers is a nonprofit agricultural cooperative corporation recently organized for the purpose among others of acquiring and thereafter operating the warehouse facilities for the benefit of the members of said cooperative.

The application states that the cooperative corporation was organized by Delmar E. King and six of his principal customers. The association now has a membership of 29 storers who were former customers of Delmar E. and Frances G. King. Applicants allege that membership in the association is open to other growers in the area; that the facilities will be made available to all members to the extent of the capacity of such facilities; and that if the products of the members exceed the capacity of the facilities, the

facilities will be made available to all members on a pro rata basis.

The Commission finds that the proposed sale and discontinuance of the public utility warehouse operations here involved will not be adverse to the public interest. The application will be granted. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Delmar E. King and Frances G. King are hereby authorized to discontinue service as public utility warehousemen at Biggs, Butte County, subject to the following conditions:

- (a) That applicants shall, within ten days after the effective date of this order, file with the Commission their written acceptance of this order, including all of the provisions and conditions thereof.
- (b) That concurrently with the discontinuance of said operations, Delmar E. King and Frances G. King shall, on not less than five days' notice to the Commission and the public, cancel their Warehouse Tariff No. 2, Cal. P.U.C. No. 2, on file with the Commission.
- (c) That applicants shall cause to be prepared and to be mailed or otherwise delivered to each of their storage patrons on or before twenty days after the effective date of this order a true and complete copy of this order.
- (d) That applicants' storage patrons who do not elect to become members of the Red Top Rice Growers (a cooperative) may designate any available public warehouse or other location within the vicinity of Biggs, Butte County, to which their stored property shall be moved; however, in the absence of such election on or before thirty days after the effective date hereof, applicants may transport such property to any public utility warehouse within that vicinity.

(e) That applicants shall pay, for their own account, and at no expense to their storage patrons electing not to become members of Red Top Rice Growers, any and all costs connected with the transfer of stored property from their warehouse to other locations, whether designated by their patrons or otherwise, including transportation, the handling charges of the receiving warehouse, and any additional storage charges occasioned by a difference in storage periods between their own and the receiving warehouse.

(2) That Jack L. Dawson, Agent, may cancel concurrently with the discontinuance of said operation by Delmar E. King and Frances G. King, doing business as Red Top Rice Dryer, on not less than five days' notice to the Commission and the public, the participation of applicants in California Warehouse Tariff Bureau Warehouse Tariff No. 24, Cal.P.U.C. No. 142, on file with the Commission.

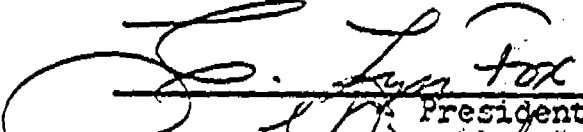
(3) That the Power of Attorney W.H.1 No. 1, executed by D. E. and Frances G. King, on file with this Commission in favor of Jack L. Dawson, Agent, is hereby canceled, such cancellation to be effective upon cancellation of the participation in the tariff referred to in paragraph (2) hereof.

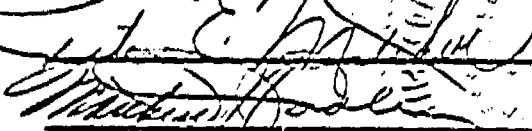
(4) That Delmar E. King and Frances G. King may sell to Red Top Rice Growers their assets as described in Exhibit No. 2 of the application in accordance with the agreement of sale attached thereto.


(5) That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of November, 1958.



President




Commissioners